

**From:** [Nolan, Michelle](#)  
**To:** [Arrington, Linda](#); [Watson, Sara Beth](#); [Mellor, Nathan](#)  
**Cc:** [Javier, Julie](#); [Nguyen, Khue](#); [Muhammad, Maryam K.](#); [Hospital, Jocelyn](#); [Costello, Kevin](#)  
**Subject:** RE: Label Amendments related to the NMFS Biological Opinion for 1, 3-D  
**Date:** Thursday, July 22, 2021 1:22:00 PM  
**Attachments:** [image001.png](#)

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Hi Sara Beth,

In regards to the coordination, we are unable to extend the 60-day deadline to submit amended labels with the language required by NMFS' BiOp for 1,3-D. Per the BiOp, end-use labels need to be submitted within 60-days of EPA's notification (**by Sept. 10**). Once the 1,3-D Interim Registration Review Decision is issued, anticipated this fall, we will reach out to discuss the best way to coordinate the BiOp changes and the upcoming 1,3-D ID changes and previous chloropicrin ID changes.

The placement of label changes appears to meet the requirements for both 1, 3-D and chloropicrin labels and 1, 3-D labels.

Please let me know if you have any further questions. Also, just so you know, as we are not yet back in the office, it is easiest to reach me via email.

Best,  
Michelle

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**From:** Arrington, Linda <Arrington.Linda@epa.gov>  
**Sent:** Wednesday, July 21, 2021 9:16 AM  
**To:** Watson, Sara Beth <SWatson@steptoe.com>; Nolan, Michelle <nolan.michelle@epa.gov>; Mellor, Nathan <Mellor.Nathan@epa.gov>  
**Cc:** Javier, Julie <Javier.Julie@epa.gov>; Nguyen, Khue <Nguyen.Khue@epa.gov>; Muhammad, Maryam K. <Muhammad.Maryam@epa.gov>  
**Subject:** RE: Label Amendments related to the NMFS Biological Opinion for 1, 3-D

Good Moring Sara Beth,

Thank you for your email. My team, Michelle, Nathan and Khue will discuss your clarifications and placement questions and get back with you shortly.

Thanks again.

Linda Arrington, Branch Chief  
RMIB 4  
Pesticide Re-evaluation Division  
Office 703 305 6249  
Fax 703 308 8005

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**From:** Watson, Sara Beth <[SWatson@steptoe.com](mailto:SWatson@steptoe.com)>  
**Sent:** Tuesday, July 20, 2021 5:30 PM  
**To:** Nolan, Michelle <[nolan.michelle@epa.gov](mailto:nolan.michelle@epa.gov)>; Mellor, Nathan <[Mellor.Nathan@epa.gov](mailto:Mellor.Nathan@epa.gov)>  
**Cc:** Arrington, Linda <[Arrington.Linda@epa.gov](mailto:Arrington.Linda@epa.gov)>; Javier, Julie <[Javier.Julie@epa.gov](mailto:Javier.Julie@epa.gov)>; Nguyen, Khue <[Nguyen.Khue@epa.gov](mailto:Nguyen.Khue@epa.gov)>

**Subject:** Label Amendments related to the NMFS Biological Opinion for 1, 3-D

Ms. Nolan and Mr. Mellor,

I am writing to follow up on my telephone messages to you last week regarding the additional label language required by the National Marine Fisheries Services Biological Opinions on the effects of 1, 3-D on Pacific salmonids (the BiOp). I have copied Khue Nguyen on this email as there are products subject to the label amendments that have both 1, 3-D and chloropicrin as active ingredients. I also have copied Linda Arrington and Julie Javier in their roles regarding label mitigation implementation. There are two issues I want to discuss with you regarding the amendments: (1) coordination with other EPA required label amendments; and, (2) confirmation of the placement of the language on the label.

Coordination: Several products subject to the BiOp label amendments contain both 1, 3-D and chloropicrin as active ingredients and have label amendments submitted to EPA in 2020 in accordance with the Interim Registration Review Decision for Chloropicrin that are pending at EPA. Registrants of these products are members of the Chloropicrin Manufacturers Task Force (CMTF), and, thus, the coordination is an important issue for the CMTF. We seek to clarify these issues now to provide for an efficient implementation of the changes. For products that are subject to the BiOp language and have amendments pending from 2020, the registrants believe that the BiOp amendments should be added to the labels submitted in 2020 with the amendments that EPA required in 2020. Otherwise, neither of the amended labels that EPA approves would match what EPA has required to be on the label. This would be confusing for the states and applicators.

Placement of the language on the label. The July 12, 2021 letter from Kevin Costello states that the certain language must be added to the beginning of the Directions for Use section of end-use product labels and to the Environmental Hazards language. The following placement appears to be correct and the CMTF wants to confirm that the placement outlined below meets the EPA's requirements for both 1, 3-D and chloropicrin labels and 1, 3-D labels before the various label amendments are submitted to EPA.

The beginning of the Directions For Use section would read as follows:

DIRECTIONS FOR USE  
Restricted Use Pesticide

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Endangered Species Protection Requirements

It is a Federal offense to use any pesticide in a manner that results in an unauthorized "take" (e.g., kill or otherwise harm) of an endangered species and certain threatened species, under the Endangered Species Act section 9. When using this product, you must follow the measures contained in the Endangered Species Protection Bulletin for the area in which you are applying the product. You must obtain a Bulletin no earlier than six months before using this product. To obtain Bulletins, consult <http://www.epa.gov/espp/>, call 1-844-447-3813, or email [ESPP@epa.gov](mailto:ESPP@epa.gov). You must use the Bulletin valid for the month in which you will apply the product.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only handlers may be in the application block from the start of the application until the entry restricted period ends, and in the buffer zone during the buffer zone period. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.



The Environmental Hazards language would read as follows.

#### **ENVIRONMENTAL HAZARDS**

- This pesticide is toxic to mammals and birds. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters or rinsate.
- Chloropicrin has certain properties and characteristics in common with chemicals that have been detected in groundwater (chloropicrin is highly soluble in water and has low adsorption to soil). For untarped applications of chloropicrin, leaching and runoff may occur if there is heavy rainfall after soil fumigation.
- Groundwater Advisory: 1,3-dichloropropene is known to move through soil and under certain conditions has the potential to reach groundwater as a result of agricultural use. Application in areas where soils are permeable and groundwater is near the surface could result in groundwater contamination.

#### **“Reporting Ecological Incidents:**

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To report ecological incidents, including mortality, injury, or harm to plants and animals, call [registrant phone number]

We look forward to your response. If you believe that a call would be helpful, please let me know.

Regards,  
Sara Beth

**Sara Beth Watson**  
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